REMARKS

Claims 1-8, 11, 13, 16 and 17 are pending in the application.

35 USC 103

Claims 1-8, 11, 13, 16 and 17 are rejected under 35 USC 103 as being unpatentable over the combination of Hronek (US 6,564,055) in view of Jiang et al, (US 2004/0087305).

The Examiner summarizes the relevant features of Hronek taken from the Abstract and then correctly notes that Hronek does not teach about outputting roaming rejection signals in response to requests from non-preferred networks, which rejection signals are intended to cause registration attempts to fail.

The Examiner notes that Jiang is in a related field of endeavor and does teach "determining when a roaming mobile station initiates a registration attempt with a non-preferred network and causing (forcing) the roaming mobile station to initiate a registration attempt with a preferred network...wherein outputting roaming rejection signals further include a home network sending (on the SS7 signalling link) 'update location end" response to a VLR (visiting or foreign network).

Applicant responds that the roaming rejection signal does not appear in Jiang's priority application. Jiang's application was filed August 5, 2003 and claiming priority from US Provisional Patent Application No. 60/401,362, filed August 5, 2002 (Jiang Provisional). Jiang provisional does discuss the issue of cellular network traffic redistribution. However, significantly, the issue of the roaming rejection signal does not appear in Jiang Provisional. More specifically, Jiang Provisional does not mention or imply the concept of artificially using a rejection signal to cause an attempt at registration to fail if made from a non-preferred network. That is to say Jiang provisional is completely silent on the claimed feature of:

"said output indications are rejection signals to roaming request attempts to respective non-preferred roaming networks, and said roaming rejection signals are sent to location infrastructure of respective non-preferred roaming networks, thereby to cause a roaming request attempt to fail at said non-preferred network and force said mobile units to re-attempt roaming requests, thereby at said reattempting to select a preferred roaming network."

The present application was filed 23 March 2004, based on the priority of Provisional application No. 60/456,537 which was filed 24 March 2003 and which does explicitly mention the concept of artificially using a rejection signal to cause an attempt at registration to fail if made from a non-preferred network. That is to say it explicitly teaches the claimed feature that the "output indications are rejection signals to roaming request attempts to respective non-preferred roaming networks, and said roaming rejection signals are sent to location infrastructure of respective non-preferred roaming networks, thereby to cause a roaming request attempt to fail at said non-preferred network and force said mobile units to re-attempt roaming requests, thereby at said reattempting to select a preferred roaming network."

Specifically, page 4 of the above mentioned provisional application teaches:

"If the list contains different network(s) with higher priority than the selected one, the application sends a MAP_Cancel message to the selected VLR. The IntelliGate emulates an HLR for this purpose. This event causes the MS to resume the automatic selection process starting from the next available network."

It is thus respectfully submitted that Jiang only teaches the feature of the roaming rejection signal from August 2003, in contrast to the present applicant, who taught the feature from March 2003. Present claim 1 is entitled to the March 2003 priority and Jiang's teaching is thus not prior art within the meaning of 35 USC 103 against claim 1.

Claim 1 is thus believed to be novel and inventive within the meaning of 35 USc 103 since Jiang cannot be combined with Hronek for the above reasons.

All the matters raised by the Examiner are believed to have been dealt with by this response and acceptance of the application is respectfully awaited.

Respectfully submitted,

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